



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 19, 1998

Mr. Stephen R. Alcorn
Assistant City Attorney
City of Grand Prairie
P.O. Box 534045
Grand Prairie, Texas 75053-4045

OR98-1259

Dear Mr. Alcorn:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115897.

The City of Grand Prairie (the "city") received two requests for reports of the polygraph examination administered to two Grand Prairie Detention Officers, Mr. Spence Gates and Mr. Rowdy Mack. The request is from the attorney representing the two officers in connection with an internal investigation of a complaint against the officers concerning the use of excessive force. You indicate that the city has not received written authorization from the officers to release the requested information to the requestor. You assert that the information is excepted from required public disclosure based on section 552.108 of the Government Code as an "internal record of a law enforcement agency, maintained for internal use in matters relating to law enforcement."

Section 552.101 of the Government Code excepts from required public disclosure information made confidential by statute. Section 19A of V.T.C.S. article 4413(29cc) generally prohibits a person for whom an examination was conducted from disclosing information acquired from a polygraph examination. V.T.C.S. art. 4413(29cc), § 19A(b). However, a person for whom an examination was conducted may disclose information acquired from a polygraph examination to the examinee or any other person specifically designated in writing by the examinee. *See id.* § 19A(c)(1), (d). As the examinees here have evidently not designated in writing the requestor as a recipient of the examination information, section 19A(b) prohibits the release of the information in this instance. *See* Open Records Decision No. 562 (1990) at 11.

In light of our conclusion under section 552.101, we need not address your section 552.108 claim at this time. We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 115897

Enclosures: Submitted documents

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